

# UNITED STATES DISTRICT COURT

for the  
District of Arizona

United States of America )  
v. )  
Fabian Ricardo Alcantar-Castro, ) Case No. 17-7466 MJ  
a.k.a.: Fabian Alcantar-Castro, )  
(A206 105 340) )  
Defendant )

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of September 9, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Fabian Ricardo Alcantar-Castro, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about May 6, 2014, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated by Reference Herein**

*Cab*  
REVIEWED BY: Charles E. Bailey, P.S. for AUSA Brandon Brown

Continued on the attached sheet

*Complainant's signature*

Gilbert V. Longoria,  
Deportation Officer

*Printed name and title*

Sworn to before me and signed in my presence.

Date: September 11, 2017

Brigid S. Baile  
Judge's signature

City and state: Phoenix, Arizona

Bridget S. Bade  
United States Magistrate Judge

**STATEMENT OF PROBABLE CAUSE**

I, Gilbert V. Longoria, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On September 9, 2017, Fabian Ricardo Alcantar-Castro was arrested by the Phoenix Police Department and booked into the Maricopa County Jail (MCJ) on local charges. While incarcerated at the MCJ, Alcantar-Castro was encountered by ICE Officer M. Karakey who determined him to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the MCJ. On September 10, 2017, Alcantar-Castro was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Alcantar-Castro was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Fabian Ricardo Alcantar-Castro to be a citizen of Mexico and a previously deported criminal alien. Alcantar-Castro was removed from the United States to Mexico at or near Nogales, Arizona, on or about May 6, 2014,

pursuant to an order of removal issued by an immigration judge. There is no record of Alcantar-Castro in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Alcantar-Castro's immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Fabian Ricardo Alcantar-Castro was convicted of Attempted Possession of Marijuana for Sale, a felony offense, on March 31, 2014, in the Superior Court of Arizona, Maricopa County. Alcantar-Castro was sentenced to three (3) years' probation. Alcantar-Castro's criminal history was matched to him by electronic fingerprint comparison.
5. On September 10, 2017, Fabian Ricardo Alcantar-Castro was advised of his constitutional rights. Alcantar-Castro freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about September 9, 2017, Fabian Ricardo Alcantar-Castro, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about May 6, 2014, and not having obtained the express consent of the Secretary of the Department of Homeland Security to

reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a); and enhanced by (b)(1).

Gilbert V. Longoria,  
Deportation Officer,  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
this 11<sup>th</sup> day of September, 2017.

Bridget S. Bade  
Bridget S. Bade,  
United States Magistrate Judge